

REMARKS/ARGUMENTS

This is in response to the official action dated October 2, 2007. Reconsideration in view of the following is respectfully requested.

Claims 5, 9 and 15 stand rejected under Section 112, first paragraph. Convertible substances are clarified in claim 5. In claims 9 and 15, foils is clarified as membrane to be consistent with the specification. Furthermore, the membrane is claimed as being consistent with the specification discussion.

Claims 1-15 stand rejected under Section 112, second paragraph. It is noted that "pH reducing substances" are now defined as a markush group. "Convertible substances" and "organic residual substances" are referenced in the specification at page 3, paragraphs 5 and 6. As to "organic residual substances", Claim 7 is canceled. From the specification and specific examples, the skilled person would understand the meaning of convertible substances. In any event, claims 6 and 8 specifically reference convertible substances.

New claims 16-19 are added with claim a method for controlling odors by preparing the carrier material, laying a membrane on top of an emittent, and laying the carrier on top of the membrane. Support is clearly found in the examples and throughout the specification.

Claims 1-7, 9-12 and 14-15 stand rejected as being anticipated by 810. Claim 1 requires a hydrophobising additive contained in the carrier material which acts to avoid the absorption of moisture. 810 does not teach such a hydrophobising additive. In fact, 810 relates to a diaper and the like, and requires that the device be able to absorb liquids.

Neither does 810 teach a membrane which is permeable for hydrogen ions but not for residual ions from the acid or acid salt; nor fixing active additives on the surface of the carrier material. 810 discussed heating a hot melt adhesive, but does not teach heating of the combined carrier and hydrophobising additive in order to activate the additive and its effect. As to new claims 16-19, 810 relates to an absorbent pad such as diaper. Therefore, it does not teach the steps of laying a membrane and then a covering material on top of an emittent; nor could it possibly contemplate an emittent layer of at least 6' cm or a treatment period of at least 10 days.

As anticipation requires that the reference teach each and every element, the claims 1-7, 9-12, 14-15 and new claims 16-20 are not anticipated, in that each of these claims contains a required element not taught by 810 as set out above.

Claims 1-8 and 10-13 stand rejected as being anticipated by 985. 985 teaches the admixing of lactic acid directly into sludge. It does not contemplate the formation of a covering materials for placing on top of the sludge. 985 does not teach a hydrophobising additive, whose purpose is to prevent water absorption by the covering material. Such an additive, while useful in a covering layer of the invention, has no purpose in the 985 process in which the lactic acid is applied directly into the sludge. Furthermore, 985 does not teach a carrier material, which is of course an important aspect of applicant's invention. 985 does not anticipate the claims.

Claim 1-5, 9-12 and 14 stand rejected as being anticipated by 028. 028 teaches a microbial mat which has a basis a substrate such as grass silage. The claimed invention is to a covering material which consists of an inert carrier material and additives. The claims ("consisting of") do not allow for a microbial mat in addition to the inert carrier material. Rather the carrier material with additives acts itself as the covering layer. This is not contemplated by 028. 028 does not teach a covering material which consists of an inert material and additives, and instead requires as its main construct a mat structure formed of an organic material as well as a slime-producing bacteria. Therefore, 028 does not anticipate the claims.

Wherefore, allowance of the pending claims is earnestly solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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By 

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